

# THE PROCEEDINGS OF THE Citizens of Hereford IN THE

Delivery up of their CHARTER and Renewing of it:

Vindicated from the Scurrilous Imputations of *Richard Janeway*.

By a Lover of the King, the Government, and the City.

*In a Letter to a Friend.*

SIR,

I Have of late seen a scurrilous Pamphlet, Intituled the *Impartial Protestant Mercury*, printed at London for *Richard Janeway*, Num. 114. in which his Majesty's Goodness, Justice and Clemency are arraigned, and also the Mayor and indeed the Corporation of *Hereford* unjustly charged, as being abus'd in the manner of acting in the late delivery up of the Charter, as if the Mayor had been wrought upon contrary to his Inclination, and had pick'd out a time suitable to the purpose; Therefore I take leave to give you a true account out of the Records, of matter of Fact, that by the prudent, legal and deliberate proceeding of the Mayor herein, you may see he was not in the least imposed upon contrary to his Inclination, but rather actually and effectually followed the good Resolutions he had upon mature deliberation taken up for the good of the City. For the better effecting hereof it is requisite you have Mr. *Janeway's* false and scandalous Relation upon the whole Action in his own words.

[From *Hereford* we are told that the bringing up of the Charter of that place some time since by the present Mayor is believed to have been much against his own Inclination, but that he was wrought upon to call a Common Council, when divers of the old Aldermen and Common Council-Men who would have oppos'd it, were known to be absent from the Town, and so the same was ordered. But lately a new Charter is return'd with addition of a Fair and the words *Quamdiu nobis placuerit*, [as long as it shall be our Pleasure,] The old Mayor is continued, but divers Eminent and Loyal Persons fully known to be strict Observers and great Favorers of the Church as by Law Establish'd who have been Mayors, and sundry Common Council-Men left out, and the Vacancies supplied by several Gentlemen and others about the Town; yet we do not hear of any thing pretended to be alledged against those so omitted, and people are troubled to guess the Reason, unless it should be that they voted for their late worthy Burgeſſ, Esq; *Foley*; but this no discreet Man can believe to be the Cause, especially since tis not doubted, but whenever his sacred Majesty shall graciously be pleased to command an election for Parliament, Mr. *Foley* will yet have as many Electors as ever.]

As to the Mayor's acting contrary to his inclination, as being wrought upon to call a Common Council,

when divers of the Old Aldermen and Common Council-men who would have oppos'd it, were known to be absent from the Town; the contrary does thus plainly appear: The Common Council consists of 31, of which the Majority conclude, and make all Acts that pass. Upon the 3d of February last a Common Council was called, at which were present 19. Of these 6 were Justices, 4 had formerly been Mayors, and 9 were of the Common Council; observe and you shall find in the farther progress of this Matter, that this was the least Common Council of any from the first Proposal of the danger of the Charter, to the last Act of Surrender under Seal. At this Common Council, after some ordinary things debated and settled, the Mayor spoke publicly these words, or to this effect, as I have it under his own hand.

Gentlemen,

*I am informed that a Quo Warranto will be brought against the Charter of the City; which if it be, for my part I will not contend with the King in it; and if I hear any thing more concerning it, I will call you together to advise what is fit to be done in it, for you shall not blame me hereafter for not giving you notice, that care might have been taken to have had it prevented, and therefore I pray you to consider of it.*

Here is the Mayor's inclination shown, and fair notice of the danger publicly given: The next Common Council that was called, was on the 7th of February, where no mention was made of the delivery up of the Charter, but something else very significant was done, which was very ungrateful to all that favour the Model of the late dangerous and treasonable Association, *An Address of Abhorrence of the Platform of that horrid Association*, that was found in the Earl of *Shafisbury's* Closet, past the House in the presence of the Mayor, 5 Justices, 8 that had been Mayors, and 8 more of the Common Council, in all 22, unanimously in these words.

Ordered, That the Address now read in Common Council of our Abhorrence of that Rebellious Association, found and seiz'd upon in the Closet or Study of the Earl of *Shafisbury* be presented unto his Majesty, and the Common Seal of the Corporation be put thereto;

and

and the said Address to be enrolled in one of the Books of Records of the said City.

*Ordered*, That the said Address be presented to His Majesty from the City by Baron Gregory, Sir John Hoskins, and Thomas Price, Esq. or any two of them.

Thus things stood till the 14th of February, and then the Mayor (being sufficiently assur'd by a Letter shew'd him from a Person of Honour, that a Charge was laid against their Charter, and several Breaches assign'd, and the King press'd to grant a *Quo Warranto*, which His Majesty would not do till he had first an account, whether the Citizens of Hereford would consent to his Bounty and Clemency, rather than stay till they were forthwith call'd a House according to his former promise, where their own danger, hazard and charge, the King's Gracious Inclinations and Intentions towards them were freely debated, and the Letter at large read in open Council. At this Common Council were present 5 Justices, 6 of the ancient Mayors, and 10 of the Common Council, in all 21, and all other Members of it residing in the County had notice; After a full Debate they came to these Resolutions *Nemine Contradicente*.

*Ordered*, That the present Charter of the City be deliver'd up unto His Majesty, and that Richard Gower, Esq; Mayor, Bridgcock Harford, Esq; Herbert Aubrey, Esq; Thomas Clark, Gent. Town-Clerk of the said City, and Thomas Clark, Jun. Gent. do surrender the said Charter unto His Majesty, and do deliver the Petition now read in Common Council unto His Majesty for a new Charter, and to solicit and follow the procuring the same; and if any other of the Common Council desire to go with Mr. Mayor, they (if they please) may.

*Ordered*, That what Money Mr. Thomas Clark, Jun. shall disburse for the renewing the Charter of the said City, he shall be repaid the same with the Interest thereof out of the first Money that comes into the Chamber of the said City, and to have the Common Seal for the same when the Charter is renew'd for performance thereof.

*Ordered*, That the Petition now read in Common Council being corrected and amended, be prefer'd unto His Majesty for the renewing of the Charter of the City.

Now to assure you that all manner of care was taken for the preservation of the Rights of the City, you may at large read the Petition it self.

To the King's most Excellent Majesty.

The humble Petition of the Mayor, Aldermen and Citizens of the City of Hereford.

Humbly sheweth,

**T**hat your Petitioners have not only by several Grants of your Renowned Progenitors of ancient time been a City and Town Incorporated, and obtain'd and enjoy'd very great Liberties, Franchises and Jurisdictions, but also in the time of your Royal Father (whose Memory with us is Sacred) received the indelible Characters of his Grace and Favour for their constant and uncorrupted Loyalty, which they still retain, being alway ready and willing to sacrifice their Lives and Fortunes for the preservation of Your Sacred Person, the Protestant Religion as by Law establish'd, the Succession of the Crown in the Right Line, and all your undoubted Legal Rights: Yet nevertheless by Inadvertency, Omission or Neglect, (without any the least tincture of Disloyalty) we apprehend that we have hazarded the Benefits, Liberties, Franchises and Privileges, which we have enjoyed in the time of Your Sacred Majesty and all your Royal Progenitors.

Your Petitioners therefore humbly pray that Your Majesty would be graciously pleas'd of Your Princely Clemency to Grant to your Citizens of Hereford a New Charter, with such Immunities, Privileges, Franchises and Jurisdictions, as to Your Royal Wisdom and Goodness shall seem fit,

such as may be equal to the large Grants of Your most Renowned Ancestors, and what more in Your Regal Bounty (that inexhaustible Exchequer of Mercy and Goodness) shall seem most agreeable to Your Royal Pleasure.

And your humble Petitioners, as an Duty bound, shall ever pray, &c.

The Charter remain'd still in the Chest, and here was no snap or surprize; and to prevent it, time was taken for 6 days to consider what was to ask for the City of Hereford, and what that was propos'd was to have a New Charter with the same Privileges as before, and a New Fair.

On the 20th of February the House met again (all the Members thereof in the County having lawfull Summons) the Persons present were the Mayor, 6 of the Justices, 5 of the Old Mayors, and 9 of the Common Council, in all 21, and then freely and unanimously pass'd this Vote.

*Ordered*, That Mr. Mayor and those Gentlemen that were nominated by the Common Council to solicit the renewing of the Charter, shall be re-imburst their Charges and Expences therein, and that the present Charter and the Claim be by the Key-Keepers presently deliver'd unto Mr. Mayor, which was performed accordingly.

27th The Mayor, Mr. Aubrey and Mr. Clark appointed to attend His Majesty, began their journey (Mr. Harford and the Town-Clerk being staid by sickness) and came to London March 2d; March the 3d the Mayor was brought to His Majesty's Presence, attended with many Gentlemen of the County and City of Hereford, and humbly on his knees, in a short significant Speech, deliver'd up to His Majesty the Old Charter, and by Petition pray'd a New One; The King most graciously receiv'd it, and all that attend'd it, and gave them his hand to kiss, and told them, That as soon as Mr. Attorney-General should prepare things for him to Sign, he should be very ready to do it, in the mean time he desir'd the Citizens not in the least to distrust his kindness towards them. Together with the Charter were deliver'd also the Acts of the Common Council, which the Members of the Corporation thought sufficient to evidence how willingly, unanimously and cheerfully they had acted, but the formality of Law requir'd something else to be done; There was wanting a Resignation under the City Seal to make the Surrender legally good: Of this notice enough was given, by Letters from London to Persons of all Persuasions and Interests, but even this innocent piece of Ignorance of the Law put the thing past doubt of surprize, or the suggested want of Inclination in the Mayor, for he (to prosecute his well-grounded Resolves to effect) goes down and (nothing doubting the joynt Concurrence of that House that had hitherto acted in this Affair with so much Unity) returns to Hereford the 12th of March, and on the 14th called a Common Council, and Summon'd all as formerly upon their Free-man's Oath to appear; At this Meeting were present the Mayor and 5 Justices, 6 of the ancient Mayors, 9 more of the Common Council, in all 21; and the Instrument of Resignation was read in these words.

**T**O all to whom these Presents shall come, The Mayor, Aldermen and Citizens of the City of Hereford send Greeting; Know ye, That the said Mayor, Aldermen and Citizens upon good and due considerations them thereunto moving, have surrendered and yielded up, and by these Presents do surrender and yield up unto our Sovereign Lord the King's most Excellent Majesty, certain Letters Patents Granted by our late Sovereign Lord King James of ever-blessed Memory, under the Great Seal of England, bearing Date the 12th day of July, in the 17th Year of his Reign, and all and every the Immunities, Privileges, Franchises and Jurisdictions in and by the said Letters Patents given, granted or confirmed to the Mayor, Aldermen and Citizens of the City of Hereford aforesaid, and also all other Letters Patents,



*Patents, Powers, Privileges and Immunities whatsoever, at any time or times heretofore granted to, or held or enjoyed by the said Mayor, Aldermen and Citizens of the City of Hereford, or their, or any of their Predecessors, by any ways or means; or by what name or names soever, together with the said Charter and Letters Patents to be cancell'd and vacated upon Record. In witness whereof we have caused our Common Seal to be put at the Guild-Hall of the City of Hereford, to these Presents the 14th day of March, in the 34th year of His Majesty's Reign, Annoq; Dom. 1682.*

I thought fit to insert this, not only to prove the Validity of the Act, but for the better and easier Information of other Cities, that are in the Circumstances we lately were, to whom (perhaps even to the greatest) it may be usefull (being drawn by a very able Lawyer) when they shall see their Error in contending with his Majesty, and come humbly to deprecate their greater Offences.

The Approbation and Consent of all went along with this Act of Resignation under Seal, as will appear by the Vote then made in these words.

*Ordered, That our Act of Surrender, Resignation, and yielding up our present Charter unto His Majesty, now read in Common Council, be Seal'd with our Common Seal, (which accordingly was perform'd) and presented to His Majesty.*

Thus having finish'd with a general consent, and compleated the Surrender under the Common Seal of the City, they sent it to London, and it arrived there the 18th day of March, and was, according to Order, deliver'd: But that the Government of the City might be kept a foot, and Peace preserv'd in the City till the New Charter was granted under the Broad Seal, the Surrender was not enroll'd till the New Charter was fully perfected.

By this plain account of matter of fact, so clearly proved by the several Gradations and distances of time, by the several Meetings from the 3d of February, to the 14th of March; by the fair Notices and Summons, free Debates, unanimous Consent; by the even course and fair Method of Proceedings, I suppose it does manifestly appear to all that are willing to be convinc'd, and will not take a false, scandalous Forgery and Fiction for Truth, that the Mayor acted freely, voluntarily and cheerfully, and his Brethren unanimously, constantly and steddily. If any Man yet doubt what put the Corporation upon this Action, and whether a *Quo Warranto* were sent for or not? Let them know this for their satisfaction, that the Citizens had reason to be jealous their Franchises were in danger, when 18 of 31 had not taken the Oaths requir'd by the Corporation-Act in any Capacity or Employment, they had pass'd thorow for 17 years together, and also were every day affronted, imposed upon and slighted, as Persons that acted extrajudicially by several that were satisfied of their Legal failings, and disputed the Power and Authority by which they acted. As for the *Quo Warranto*, the Persons are yet living that sent for it, and Persons of Honour who were applied to for the getting of it, and put a stop to it, can sufficiently evince this; for the *Quo Warranto* was sent for, and Breaches assign'd in two Sheets of Paper, written of all sides; and those so fatal, (as from good Authority I had the account) that the Citizens, if they contended, were morally certain to be overthrown: This was done the 11th of January last, the *Quo Warranto* was long expected, and as friendly and happily prevented; for it is not the nature of the People here to contend with their King, but to serve him loyally and obediently.

The next base Reflexion that is made, is upon His Majesty's Truth, Goodness and Clemency, in these words.

*[But lately a new Charter is return'd with Addition of a Fair, and the words Quamdiu nobis placuerit: As long as it shall be our Pleasure.]*

The false Mercury, (left the giddy unstable Faction should not understand his meaning) hath taken the pains to translate it for them, but it had been better he had left them to pick out the English of it, than to have so factious a fallhood, so plainly detected, by a reciprocal Translation of the Record it self under the Broad Seal; The Citizens had two Fairs before, the King gives them a third, and that to begin on Wednesday in Easter-week yearly, and *per tres dies in perpetuum duratur*, to endure for three days to perpetuity. As to the Charter it self, so Gracious and Just hath His Majesty been, according to his Royal Promise at the delivery of it up, that he hath not disfranchis'd one Man; he hath confirm'd their Privileges, pardon'd their Omissions and Commissions of Non-user or Mis-user of their Franchises in these words, *Sive non usi sive abusi fuerint*, Whether they have not used or abused them; He hath left the Government in the same Number, with the same freedom of Electing all their Officers, and under the same Qualifications, and reserv'd nothing to himself and Successors, but (what cannot hurt them,) the Approbation of a High Steward, Town-Clerk, and the six standing Justices upon Vacancies, after they have been Elected upon that account. There is the same present Mayor, and in all likelihood the succeeding Mayor that was of course to come in by the former Charter will be elected; It is true, the King hath left out some that were in before, and put others in their room; a Liberty of preference, which, I suppose, is deny'd none that have (in much less matters than this) a power to do so; and 'tis sawcily done of the Pamphletier to regret the King this Choice, which every Steward of a Leet hath in making up of a Jury, and which the Gentlemen in power within the Scribler's view do use frequently and freely, otherwise the Nation would never have been plagu'd with so many Ignoramus-Juries; and it would better become the good Manners of the Secretary to the Faction (who 'tis believ'd himself depends on the making such Juries,) to acquiesce in His Majesty's Royal Will and Pleasure, than to pretend to guess and insinuate false Causes, and suggest factious ones, which himself (if a discreet Man) cannot believe: I cannot deny but the Gentlemen that are omitted are most of them Observers and Favourers of the Church, as by Law establish'd; but it is as true, that some of them were in the Common Council in the time of Rebellion, when 22 honest Men were in one year for their Loyalty only turn'd out, and were over-look'd in the purging Act: I wonder how Mr. Janeway comes to urge that as a good Character now, that they love the Church as by Law establish'd, who is himself so great a Stickler for True-blew Protestants, and those that live against the known Laws; but now it seems it serves a turn to inflame the angry, and animate others to an obstinacy against their Prince, who are now in the same misfortune as to their Corporation-Delinquencies: I shall now trace the Beast a little farther in his own words.

*[Yet we do not hear of any thing pretended to be alledged against those so omitted.]*

By this it appears plainly, that His Majesty acted freely according to his Will and Pleasure, which troubles Mr. Janeway sorely, and the Mobile too.

*[And people are troubled to guess the Reason.]*

Of these I suppose the busie Inflamer is most concern'd, but he must make court to his long-adored Idol the People: But why must the People be said to regret the King's Actions, or be at a loss to find a Reason for that which they have nothing to do with? But my Masters, and Friends, and Good People draw near, and hearken to *Vox Populi*, which some elder Pamphlets have call'd *Vox Dei*. You see by this, Republican Love cannot be hid; and now farewell to the strict Observers and Favourers of the Religion as by Law establish'd. For a Cause; see what other starts up, and is as suddenly like a Mushroom of a Nights growth by himself destroy'd.

*[Unless it should be because they Voted for their late Worthy Burgefs, Esq; Foley.]*

So did most of those that are in the New Charter at the

the Election of Members for the last Parliament, there being a very short Contest; but you shall hear him answer himself.

[*But this no discreet Man can believe to be the Cause.*]

Why then doth the Fool urge it? yes, he had a Reason for it, and out it must.

[*Especially since 'tis not doubted but whenever his Sacred Majesty shall be Graciously pleas'd to command an Election for Parliament, Mr. Foley will yet have as many Electors as ever.*]

Here is a touch of his Divination; yet as great a Conjuror as the Gentleman is, I suppose he knows as little what the Event of the next Election of Members will be, as he knows the Time of Calling a Parliament, and must be contented, (Maugre all his great assurance) to leave the issue thereof to time, for many things may happen before that day, as the Conversion of Thousands of Whiggs, the downfall of Ignoramus's, that obstruct Justice, the suppression of Faction, the condign punishment, as well as detection, of the Favourers and Heads of Division, and Underminers of the Government, the frequent use of the Pillory for Libellers, and a just value put upon the best of Kings and best of Governments; however, I suppose this great Undertaker keeps no Ensurance-Office for Parliament-Adventurers. It is evident to all sober unprejudic'd persons, that Mr. Janeway's Exceptions (though false) against the Proceedings of the Corporation, are not out of any Pique he hath to any person now in the same, or to any defence he is concern'd in for any Man that is out; but the Hireling writes to please a Party, and to ingratiate himself with a Faction, that gives him Bread, and supports him to amuse the credulous Rabble by reflecting upon the Government, as he hath scurrilously done in his Pamphlet, otherwise he durst never have so maliciously abused his Majesty with averring and publishing of things quite contrary to the Record, for in the whole Charter which I have had occasion often to read over, there are no such words in it as *Quamdiu nobis placuerit*; but it is as full in all respects (except in those before mentioned) as ever; and whereas he seems to keep aloof of, and is for his Necks sake tender of making mention of his Majesty; yet I would fain know upon whom that Reflexion of displacing the strict Observers and Favourers of the Church, as by Law establish'd, (which in the Charter is alledged to be done) must ultimately rest.

Now I suppose I have given you a faithfull and full account of this matter, as to what concerns the Charter, any person yet doubting may have recourse to the Signet-Office, Privy-Seal or Patent-Office for his better satisfaction; I should be asham'd to mis-recite a Record, but much more to mis-represent it to the People with false Glosses, nay falshood it self, as the foul-mouth'd Pamphletier hath done: The Gentlemen by the King's favour, new put into Employment in the new Charter, do not so much think themselves expos'd in this base, vile, false, scurrilous Pamphlet, as they do apprehend the King reflected on, and the Government injur'd: It is publickly known to all, that at this time some considerable Charters are upon the point of Tryal, and that many more are in ill Circumstances, and willing to surrender; At this time to render the King inconsistent in his promises, severe in taking advantages of his Subjects (that were willing to own their Omissions, and to sue for pardon, and a renewal of their forfeited Franchises, and to lay their Charters humbly at his Majesty's feet, (which are already under his power) in hopes of being restor'd to the same, if not greater Privileges) is to make the best of Kings odious, and the submissive Subjects stubborn and obdurate to all the Offers of Cle-

mency and Grace, and rather fond to espouse and contend for a mistaken Right to the uttermost, than trust or fall into the kind expanded Arms of Royal Mercy, which never yet fail'd the penitent Delinquent, and under which (if you will believe the person that hath provok'd it often, forfeited it more, and needs it most) the unfortunate fall gently; and if I be not mistaken, this at last must be the refuge of this profligate wretch, who is (without the King's Mercy, which he hath often abus'd) utterly undone; besides, the Actions and Indictments which he is liable to for the several Libels sent out into the Nation by him, that do countenance Faction, and discourage and abuse the honest actions of the King's best Subjects is a load he will hardly be able long to bear the weight of, but must sink under it; for little Hancock tells us in a late News-Letter sent to this Town, that the Government is too powerfull for Mr. Janeway: It is to be hoped, that on the one side the discerning part of the Nation will be able to discover the Cheats put upon them, the Artifices and Tricks of a desperate Party and Faction, the daring impudence of Mercenary Libellers, and that the mis-guided and mis-informed people will return to their Duty, and be sham'd and trepan'd no more into a disesteem of the Prince, a disvalue of his Government, a good opinion of the Faction, and a prejudice against them that love the King and his Government in Church and State, as it is now exercis'd, and by Law establish'd: I have been forced for the Vindication of the honest Actions of the Citizens, which have been so manifestly traduc'd by the unbounded Liberty of the scurrilous Intelligencer, to stretch this beyond the due limits of a Letter, to shew by undeniable Arguments the fair Method of all the Proceedings, the Mercy and Goodness of his Majesty in pardoning, and his Justice and Gracious Favour in re-granting our Liberties when forfeited by Law, and that with an advantageous addition. You may here see a Generous Prince holding forth his Sceptre of Grace to his loyal, but submissive Subjects, preventing their fears, meeting their wants, and relieving them with Honour and Justice; and I do stedfastly believe, that no person, no body of Men, whether incorporated or not, (if in our late condition or worse, as perhaps now some expecting Judgment are,) unless they have strangely demerited and disoblig'd his Sacred Majesty, but may safer confide in his Mercy and Goodness, than in all the dark Umbrages and cunning Sophistry of the wrested Law, and all the thin Cobweb Pretensions of their own Innocency and avowed Right; for we have such a Prince as none can in Reason ask what he will not in Goodness grant, or err so far, (and that some happily know) that he cannot with Clemency forgive; and this is all that can be said in favour of some great disturbers of the Government, and is all their hopes, that they have not yet in their Crimes exceeded his Natural Genius of pardoning: In this Rank our Scribler is one, who will find it the best Game he can play to make an early application to a justly incensed Prince, and shew this one mark of his Christianity, that he is not obstinate past repenting; a Pardon so gain'd would prevent those mischiefs which will justly fall upon his head, from the maliciously abused Lovers of the King and Government; and it may be in imitation of the Royal Clemency, the several good Subjects that are so highly and undeservedly provok'd, may follow the grand Exemplar of Goodness and Patience, and Pardon too; If not, I suppose a sharp and sudden course of Justice will be his Fate and Fortune. I take leave to subscribe my self

Your faithfull humble Servant.